

8161 VALLEY VIEW



**BUILDING AND STANDARDS BOARD AGENDA ITEM # 7 FOR
WEDNESDAY, JULY 27, 2011**

CODE COMPLIANCE DIVISION

MEMORANDUM

July 8, 2011

TO: The Honorable Chairman and Board Members

THROUGH: Kurt Fenstermacher, Deputy Director, Environmental Services
Department

FROM: Bill Stern., Deputy Building Official

SUBJECT: 8161 Valley View Dr., El Paso, Texas 79907

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on March 8, 2011. This single family dwelling was built in 1954 of wood frame roof system and cinderblock and plaster covered walls. The structure was found open, abandoned, and in an advanced state of disrepair being used as harborage by unwanted persons. Drug paraphernalia has been found at this property. There is an accessory structure located at the back yard, which has collapsed. Piles of trash are found at both the main residence and accessory structure, which pose a fire and health hazard. Due to proximity to area schools, this property poses a threat for school-aged children. There is trash and debris throughout the property. Interior and exterior walls are showing signs of structural separation and wall failure.
- 2) A certified condemnation letter was mailed to Beatrice Dearth, 9161 Valley View Dr., El Paso, Texas, 79907 on March 10, 2011.
- 3) Certified notices of the public hearing scheduled for June 29, 2011 were mailed to the owners and all interested parties on July 7, 2011.
- 4) As of July 7, 2011, \$2,672.02 in taxes are owed.

The owners have been notified of the property maintenance violations at this property. To date there has been no corrective action taken, and therefore the Department recommends that it be found:

- 1) That the main structure and accessory structure are substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the main structure and accessory structure are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy remain revoked; and
- 4) That the structures cannot be rehabilitated; and
- 5) That the structure be secured within thirty (30) days; and maintained secure until repaired or demolished; and

- 6) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

NOTICE OF VIOLATION

Beatriz A Dearo
8161 Valley View Dr
El Paso, Texas 79907-7421

Re: 8161 Valley View Dr.
Blk: 1 La Paloma Park
Lot: 17
Zoned: R-3
BSC10-00119
Mail Receipt #:
7009 1410 0001 7187 0211

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.106.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.106.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.106.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.106.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the

structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **8161 Valley View Dr., El Paso, Texas, 79907** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structures are open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- k. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structures are unsafe and if they should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

Zuleika Davila
Building Inspector

ZCD/nms

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **27th** day of **July, 2011** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **8161 Valley View**, in El Paso, Texas, which property is more particularly described as:

Legal Description: Lot 17, Block 1, LA PALOMA PARK SUBDIVISION, a subdivision in El Paso, El Paso County, Texas, according to the map of record in Front of Book 661, Deed Records, El Paso County, Texas.

is unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Texas, Danny Guevara and Arturo E. Dearo, 8161 Valley View, El Paso, Texas, 79907 and Christiana Bank & Trust, 323 Fifth Street, Eureka, California, 95501, ("the **Owners**") are listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Environmental Services Department, 7969 San Paulo Drive, El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owners of said property are hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owners show that the property is the Owner's lawful homestead; and

III) appoint a receiver as permitted by state law; and

IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Robert Almonte II
Assistant City Attorney

Bill Stern, C.B.O.
Deputy Building Official
Code Compliance Division

UNSAFE STRUCTURES REPORT

CODE COMPLAINT DIVISION

DATE OF EXAMINATION: July 7, 2011

REP. DISTRICT: 7

ADDRESS: 8161 Valley View Dr.

ZONED: R-3

LEGAL DESCRIPTION: Lot 17, Block 1, LA PALOMA PARK DIVISION, a subdivision in El Paso, El Paso County, Texas, according to the map of record in Front of Book 661, Deed Records, El Paso County, Texas

OWNER: Danny Guevara, grandson and Arturo E. Dearo
Son of Beatriz A. Dearo, deceased.

ADDRESS: 8161 Valley View Dr.
El Paso, Texas 79907

BUILDING USE: Abandoned single family residence

TYPE OF CONSTRUCTION: V

FOOTINGS: Concrete

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Concrete/C.M.U. with plaster coating.

CONDITION: Poor. Notable cracks found in several areas. A structural engineer should be hired to evaluate actual condition.

FLOOR STRUCTURE: Concrete.

CONDITION: Unable to determine. Vinyl floor coverings and carpet covering being used throughout house. A structural engineer or registered contractor must be hired to evaluate the flooring system.

EXTERIOR WALLS: C.M.U. with plaster coating., brick and stucco masonry, also some wood paneling.

HEIGHT: 10' +/-

THICKNESS: 10" - 12" +/-

CONDITION: Poor. Mortar joints on wall s how deterioration and movement which compromises to the structural integrity. Notable cracks on walls. Plaster cracks and deterioration due to element expo sure and lack of maintenance. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

INTERIOR WALLS & CEILINGS: C.M.U. with plaster coating.

CONDITION: Poor. Notable cracks and shifting of walls compromise the structural integrity of wall systems. A structural engineer should be hired.

ROOF STRUCTURE: Wood frame gable roof with asphalt shingles.

CONDITION: Fair. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

DOORS, WINDOWS, ETC.: Wooden doors and frame. Aluminum frame windows. Wrought iron doors.

CONDITION: Poor. Broken doors and windows must be repaired or replaced to make them operational and meet requirements.

MEANS OF EGRESS: Does not meet code requirements.

CONDITION: Poor. Windows and doors must be replaced or repaired to meet egress requirements.

PLUMBING: N/A

ELECTRICAL: A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

MECHANICAL: A licensed mechanical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: The department recommends this abandoned single family residence to be demolished within thirty (30) days and that the accessory structure be demolished within thirty 30 days. In addition, that the property be cleaned and maintained cleaned of all trash and debris within thirty (30) days.

Zully Davila

Building Inspector